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OMLET

Open Meeting Law Enforcement Team

ANNUAL REPORT

2014

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The Honourable Dave Levac
Speaker
Legislative Assembly
Province of Ontario
Queen's Park

Dear Mr. Speaker,

I am pleased to submit my Annual Report on the work of my Open Meeting Law Enforcement Team (OMLET) for the period of September 1, 2013 to August 31, 2014, pursuant to section 11 of the *Ombudsman Act*, so that you may table it before the Legislative Assembly.

Yours truly,

André Marin,
Ombudsman

Bell Trinity Square
483 Bay Street, 10th Floor, South Tower
Toronto, Ontario
M5G 2C9

Telephone: 416-586-3300
Complaints Line: 1-800-263-1830
Fax: 416-586-3485 TTY: 1-866-411-4211

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Ombudsman's Message

Winds of Change, Clearer Days Ahead

Photo by Brian Miller

This is the third straight year that my Office has issued a separate annual report devoted to our investigations of closed municipal meetings – a responsibility we first assumed in 2008. It coincides with an historic turning point in oversight of Ontario municipalities, thanks to new legislation that will soon give citizens recourse to their Ombudsman for virtually any local government problem, not just narrow questions about the open meeting rules.

The *Public Sector and MPP Accountability and Transparency Act, 2014* (also known as Bill 8), passed by the provincial legislature on **December 9, 2014**, will open all aspects of municipal government to Ombudsman scrutiny for the first time. This change, 40 years in the making, brings Ontario in line with five other provinces whose ombudsmen already oversee municipalities. Once the relevant parts of the law are proclaimed in force, my Office will be able to conduct investigations – including provincewide systemic probes – into the full gamut of public concerns about municipal services and conduct of officials.

Bill 8 addresses oversight gaps and accountability loopholes that successive Ontario ombudsmen have highlighted since our Office was established in 1975. It responds to concerns raised by the public since long before the closed meeting complaints regime began seven years ago. And while some in the municipal establishment expressed skepticism, it was also enthusiastically embraced by a new wave of municipal officials who recognize the public's desire for oversight and transparency at the local level.

The October 2014 municipal elections sparked significant citizen engagement in many communities, including productive discussions with candidates about Bill 8 and municipal accountability. In a few places where closed meetings were a hot topic – notably **London, Ont.** and the **City of Greater Sudbury** – voters elected almost entirely new councils, replacing politicians who had violated the open meeting rules or resisted co-operating with our investigations in the past.

Against this promising backdrop, this report details the issues, trends and significant cases investigated by my Office's **Open Meeting Law Enforcement Team (OMLET)** between **September 1, 2013** and **August 31, 2014.** OMLET handles public complaints about municipal meetings that are suspected of being in violation of the open meeting provisions of the *Municipal Act, 2001* – more commonly known as the "Sunshine Law."

In that period, we received **149** complaints and inquiries about closed meetings. Of those, **89** fell within our jurisdiction, relating to **40** municipalities and **two** local boards. Unlike last year, when a single meeting in London generated 60 complaints, there were no cases of mass complaints about single meetings; however, sometimes a single complaint related to multiple meetings.

Of the **49** meetings we investigated, I found **11** illegal – or **22%**. This is a slightly higher proportion than last year, when we found **19** illegal meetings out of **96**, or almost **20%**. These figures are open to interpretation, but they seem to fit with the trends we have seen, as citizens and municipal officials become more educated about the open meeting law: More municipalities seem to be getting the rules right and attracting fewer complaints. At the same time, complainants seem to have a better sense of when their council is violating the law, and their complaints are more likely to be justified.

These have been productive, positive developments, built on our experience with hundreds of complaints and seven years of working to educate the public and municipal officials – not just in the cities and towns that use our Office as investigator, but across the entire province. I look forward to expanding our expertise into the full spectrum of municipal issues.

December 11, 2013: Ombudsman André Marin releases his Office's second OMLET Annual Report.

Where There's a Bill, There's a Way

In the months before Bill 8 was passed, the prospect of expanding Ombudsman oversight into all aspects of municipal government was met with concern by some in the municipal sector that it might somehow result in duplication of existing complaint processes. As I explained in my **Annual Report** in June 2014, my Office will fill the same role as it does at the provincial level – to serve as a last resort; a final check and balance, not a replication of existing mechanisms.

The fact is, although municipalities have had the power since 2008 to appoint their own accountability officers, such as ombudsmen, auditors general and integrity commissioners, hardly any of the 444 have done so. Toronto was the only municipality to appoint an ombudsman, which it was required to do under the *City of Toronto Act*. At the time of writing this report, there were only two municipal auditors general (in Toronto and Ottawa), and just over two dozen integrity commissioners across the province.

Ombudsman scrutiny of municipalities is nothing to fear. It will enhance accountability and boost confidence in local governance. This has been our Office's track record with the more than 500 provincial government organizations we oversee. We will work the same way at the municipal level as we have with the provincial government – resolving issues quickly and tackling broad, systemic issues as warranted.

The Ontario government also signalled recently that it intends to review the *Municipal Conflict of Interest Act*, another welcome and timely initiative. My Office stands ready to offer input if needed, as our new responsibilities under Bill 8 will touch on this area.

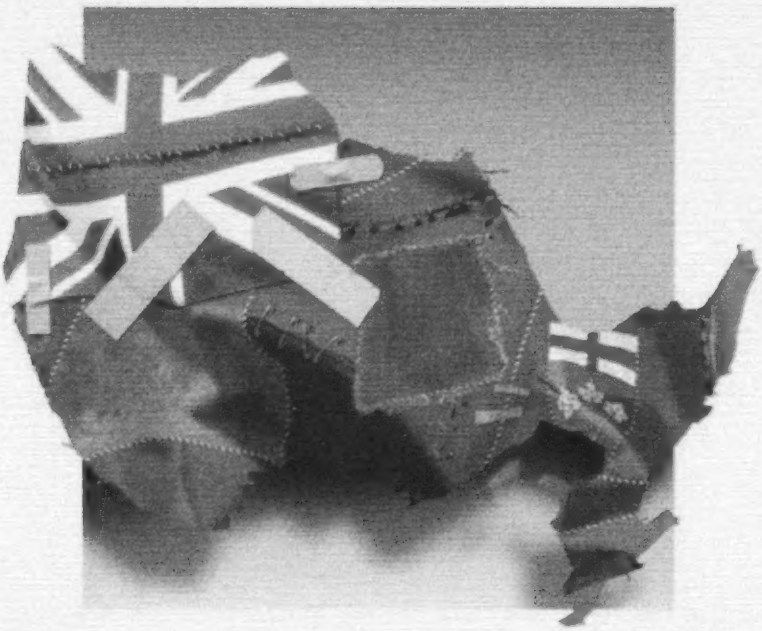
> "Being investigated by the Ontario Ombudsman's office is like having 'someone come through and inspect your cleaning with a white glove,' says Niagara Falls Mayor Jim Diodati... 'You can always do a better job, no question about it.' [Bill 8], Diodati added, 'will force people when they know they're going to be scrutinized... I think it'll encourage them to make good decisions.'"
>
> *Niagara Advance, September 4, 2014*

> "With my city on a number of files we don't have enough openness and transparency, which leads me to look for some way of addressing these things and it seems to me that under [Bill 8] . . . I could ask for investigations into things that are occurring at city hall . . . I could lodge a complaint directly."
>
> *Former Hamilton mayor Bob Bratina, quoted in Toronto Star, July 7, 2014*

Current Conditions Variable

At the close of this OMLET reporting year, I was the investigator for **196** of Ontario's 444 municipalities. As in the past, the number fluctuated during the year (at this time last year, it was 191) as various municipalities chose to use our free services, or to hire their own investigators. Some engage private individuals for this task, while **134** municipalities use Amberley Gavel, under contract with Local Authority Services, a wholly owned subsidiary of the Association of Municipalities of Ontario, an organization which promotes municipal interests.

As I have argued since before the Sunshine Law came into force, this profusion of investigators, some with close ties to local government, detracts from its underlying principles of openness, transparency and accountability and results in inconsistent enforcement of the open meeting rules. In last year's report, I noted cases where municipalities engaged in "oversight shopping" – deciding to handpick their own investigators after undergoing investigations by my Office (notably in the **City of Greater Sudbury** and the **Township of Tiny**). Similarly, in late December 2013, the **Township of Leeds and the Thousand Islands** hired its own investigator after we reported on an illegal meeting that the mayor maintained was not "closed" because the door was left open.



The problem of "patchwork" oversight of municipal meetings across the province was highlighted in last year's OMLET Annual Report.

In February 2013, one of the key reforms of the Sunshine Law that I proposed to Premier Kathleen Wynne was to fix this patchwork system and end "oversight shopping."

This past year brought several examples where this lack of consistency was sadly evident. I received several complaints from citizens concerned about closed meeting investigations conducted by other investigators. From what we've observed, the quality of local investigations and reports is spotty at best. Without a clear and consistent investigative process, the public is often left guessing about who was interviewed and what evidence was collected and considered. Some investigators' reports contain only cursory reference to the facts, and little or no analysis of the evidence and law.

Unfortunately, there is no easy way for citizens to compare and contrast reports from the various investigators, because there is no central repository for them, nor are there any comprehensive statistics on complaints and violations across the province. Amberley Gavel does post its reports online on behalf of LAS (at www.agavel.com); at the time this report was written, there were 58 reports posted, dating back to 2008, representing just 37 of the 134 municipalities where LAS is the investigator. We do not know how many complaints LAS and other investigators have received in total, but we do know that procedures for handling closed meeting complaints can vary from city to city, with some – such as **Brampton** – charging fees to complainants. It might well be that complainants have been discouraged from coming forward by these fees, confusing rules or lack of information.

> [Andrew] Sancton, who quit his post [as Brampton's closed meeting investigator] earlier this year, said he had not received a single complaint during his seven-year tenure. That may have been because the City of Brampton charges residents $250 to make a complaint. 'I think it probably did have a chilling effect,' Mr. Sancton says."

Globe and Mail, *August 15, 2014*

In 2013, the Mayor of the City of Greater Sudbury was one of several critics who took issue with an Amberley Gavel investigation into whether several councillors had held an illegal closed meeting in February that year – allegedly to discuss ousting my Office as Sudbury's closed meeting investigator after my investigation of another meeting in 2012. She charged that Amberley Gavel's September 2013 report was riddled with errors, and she called for the province to make my Office the closed meeting investigator for all municipalities.

> 'If you look at that report, I could poke Swiss cheese holes in it,' [Sudbury Mayor Marianne Matichuk] told reporters after the meeting. … In fact, she says the province should pass legislation forcing municipalities to automatically appoint the Ombudsman, to end these sorts of disputes. Unlike Marin's three-person investigation team, Amberley Gavel sent one clerk, she said… 'I can tell you anyone I've talked to in the community is not happy.'"

Northern Life, *September 11, 2013*

> Emails obtained by the [Sudbury] Star through a freedom of information request indicated the plan to get Marin out [as investigator] began two months before it was put in motion. Amberley Gavel, contracted by LAS to do closed-meeting investigations, determined council did no wrong."

Sudbury Star, *December 12, 2013*

Another Amberley Gavel report issued in July 2014 also attracted controversy. The investigation involved secret meetings held by **Bruce County** mayors over an eight-year period to discuss the storage of radioactive waste with nuclear industry representatives. Although Amberley Gavel concluded that the meetings contravened the law, it went on to find that the mayors did not deliberately do so. The report's only recommendation was that councillors and municipal staff should be more sensitive to potential breaches of the *Municipal Act* in future.[1]

Unsurprisingly, the report's slap-on-the-wrist approach was decried by residents' associations and media observers, who noted that there was little evidence to support the suggestion that such serious and serial violations of the Act were simply inadvertent:

> "This was a major error of provincewide importance in light of the evidence of an 8.5-year egregious disregard of the law and the public's right to open and transparent government. The current end result trivializes important provincial legislation designed to preserve transparency in municipal government."
>
> *Rod McLeod, director, Southampton Residents' Association, statement issued September 18, 2014 in wake of Amberley Gavel Bruce County report*

In the **Year in Review** section of this report, we note another area of the Sunshine Law where inconsistency, confusion and controversy persist – something that could easily be corrected by regulatory amendment. The rules for municipal corporations are so confusing that we have caught several of them unwittingly violating the law because they thought it didn't apply to them. Ministry of Municipal Affairs and Housing officials confirmed to us that the regulatory provisions that apply to municipal corporations were not enacted with the open meeting requirements in mind. Now that this has been brought to the attention of the Ministry and government, I urge them to take the necessary action to clear it up.

1 Amberley Gavel's August 2014 report on the Bruce County complaints can be found here: http://www.brucecounty.on.ca/assets/files/Amberley%20Gavel%20Meeting%20Investigation%20Report%20July%202014.pdf

Turning up the Heat

One area of reform that Bill 8 does not tackle is the issue of penalties for violating the open meeting law. Simply put, there are none. Even when council, local board or committee members engage in brazen and multiple breaches of the law, the only remedy is for the investigator to issue a report with recommendations. There is no sanction for lawbreakers or requirement for any public validation of business that was improperly conducted in secret.

In some jurisdictions in the United States, offenders are subject to fines for breaking sunshine laws (e.g., in Arizona, Georgia, Iowa, Illinois, Michigan and Wisconsin) and may even attract jail time (e.g., in Illinois and Michigan). Several media articles have denounced the limits of Ontario's system. One strong proponent of municipal oversight, Mayor Mike Bradley of the **City of Sarnia**, has been an outspoken champion for change. In a letter to Premier Kathleen Wynne in August 2014, he wrote:

> "As long as there are no penalties beyond red faces and embarrassment, these breaches of the [open meeting] law will continue and grow. Each violation diminishes the public's respect and trust for those who hold elected office at the municipal law. The time has come in Ontario … [to] put in place penalties for those in elected office who violate the [Municipal] Act and diminish and betray the public trust."

A strong argument can be made for the adoption of penalties. Violations of the Sunshine Law are not mere procedural irregularities. They can result in substantial harm to individual and public interests. One glaring example was cited by Justice Paul Bélanger in his October 2014 report on the fatal roof collapse at the Algo Centre Mall in the **City of Elliot Lake** in 2012.[2] That city's council held secret "caucus" meetings – in contravention of the *Municipal Act* – for 12 years. As no records were kept of these clandestine gatherings, Justice Bélanger could not confirm the extent to which problems with structural leaks at the mall were discussed, but he lamented the lack of transparency and its possible role in the tragedy:

> "Had these discussions taken place at regular council meetings, there would have been a record and, if appropriate, a means of holding persons accountable. In the absence of a record, it is not possible to do so. Was there discussion involving the protection or promotion of special interests? We will never know. All that can be said with certainty is that the electorate was disenfranchised by this process."

[2] Report of the Elliot Lake Commission of Inquiry, October 2014: http://www.elliotlakeinquiry.ca/report/index.html

The one consequence the law provides for violating the Sunshine Law is that the municipality in question is required to make the investigator's findings and report public. Since 2008, my Office has used this function as an opportunity to raise awareness of the open meeting rules, by posting our reports online, sharing news about them in the news and social media, and recommending "best practices" to help municipalities forestall future complaints. However, I continue to believe that adding consequences to the law is the best way to deter scofflaws and ensure they are held accountable.

> "Mr. Marin also recommends that lawbreakers be punished … that all meetings be recorded, and that any meeting found to have been conducted illegally have its proceedings invalidated. All excellent ideas. And we can't imagine why any of the three parties at Queen's Park wouldn't agree. Pass these reforms, pronto."
>
> *Editorial, Globe and Mail, December 27, 2013*

As noted in the Ombudsman's Annual Report in June 2014, municipalities need not fear independent oversight.

> "[A]part from bad publicity, there's no punishment for violating Ontario's 'sunshine law,' designed to ensure open meetings at the municipal level. This lax approach to curbing government secrecy is unhealthy for democracy.... Not only should [the Ombudsman's] office be put in charge of investigating allegations of illegal secret meetings for every municipality across Ontario, but the sunshine law should be given real teeth. Mayors and councillors guilty of breaking the rules should suffer some penalty beyond an embarrassing headline."
>
> *Editorial*, Toronto Star, *January 14, 2014*

Hazy Motives

Since 2008, we have received hundreds of complaints from members of the public who were concerned that their elected representatives were illegally barring them from meetings. The Sunshine Law allows anyone to make a complaint, whether or not they live in the municipality in question – and complaints have come from all sorts of people, including members of municipal councils themselves.

Our experience has demonstrated that the vast majority of complainants come forward out of a genuine interest in upholding the public's right to observe local democracy in action. However, occasionally we see complaints that appear to be driven by other motives, such as personal or political interests. My Office has the ability to dismiss complaints that we consider to be frivolous or vexatious, or simply irrelevant to the underlying principles of the Sunshine Law. This is always done based on a review of the available evidence.

This past year, we received numerous unsubstantiated complaints, ostensibly about closed meetings, relating to the **Township of Bonfield** when the municipality was in the midst of a labour dispute. And then there were the two councillors in the **City of London** who complained – during the municipal election campaign – about various dinner discussions amongst council members who were seated at three separate tables in a City Hall cafeteria. The evidence gathered by our investigators did not support the complaints, but raised concerns about the possible motives of the councillors who lodged them. I observed in my September 2014 report, *Turning Tables*, that the Sunshine Law was not intended as a tool to serve the oblique purposes of those involved in municipal politics.

A Breath of Fresh Air

We have seen slow but steady progress in our efforts to educate the public and municipal leaders about the Sunshine Law. More municipal officials have also embraced closed meeting best practices. Again this year, more municipalities heeded my call to demonstrate their commitment to openness and transparency by making digital audio or video recordings of their closed meetings. Last year, we reported that five councils had adopted this practice; now there are **11** – and we have made specific recommendations to several others to follow suit.

My Office is always working to ensure our process is as clear and efficient as possible, streamlining our own internal procedures and clarifying them with municipal officials. In a nutshell, just as we did with some **27,000** complaints about provincial government organizations last year, we triage all closed meeting complaints to determine quickly whether an investigation is warranted. If so, the case proceeds to an investigation and results in a public report. (For more on this process, see the graphic on Page 19).

> "Unfortunately, one of those meetings [investigated by OMLET] was determined to be a violation, so we learn from it, we move on, and we make the necessary corrections."
>
> *Fort Erie Councillor John Hill, quoted in* Fort Erie Post, *December 18, 2013*

The 2014 municipal elections not only brought democratic renewal to many councils, they also brought refreshing new perspectives to public discussions about how independent oversight of municipalities could and should work. Many candidates across the province supported Bill 8 and championed increased openness, transparency and accountability in their platforms. Interest in Bill 8 was particularly intense in the **City of Greater Sudbury**, where council candidates were even publicly quizzed whether they would reverse the city's 2013 decision to remove my Office as closed meeting investigator. Sudburians elected former city auditor general Brian Bigger as their new mayor, who promised to do just that. It was also interesting to see that in the **City of London**, not one of the incumbent councillors who were found in breach of the Sunshine Law in my investigation last year was re-elected.

The London Free Press
VOTERS REBOOT . . .
THE SUDBURY STAR
Sudbury's voters opt for fresh start on council
Bigger cruises to easy win

October 28, 2014. Front-page articles from Sudbury and London, Ont. illustrate the dramatic results of the October 27 municipal elections.

I was also pleased to see strong public interest in transparency expressed by citizens all over the province, both on social media (particularly via my Twitter account, @Ont_Ombudsman), and in person. For instance, in July 2014, residents of the **Town of Brighton** packed a community centre to hear me speak about the Sunshine Law, and soon after, their council dropped LAS as their investigator (reverting to my Office by default), and resolved to electronically record all closed sessions.

Our outreach and public education efforts will continue with the distribution of a new edition of our *Sunshine Law Handbook* to all newly elected and re-elected council members early in 2015 (for more details, please see the **Communications and Outreach** section of this report).

I look forward to the exciting changes to come, and to continuing to foster public dialogue on openness, transparency and accountability in the municipal sector.

> "Taxpayers across Ontario are looking for greater levels of transparency and accountability across all levels of government."
>
> *Former interim London mayor Joni Baechler, quoted in* London Free Press, *July 8, 2014*

Ontario Ombudsman
Here's the thing. We will bring to municipalities the same level of accountability we bring to the prov. Simple. Nothing more, nothing less
19
18

OMLET's Recipe: How Complaints are Handled

Through the Open Meeting Law Enforcement Team (OMLET), the Ontario Ombudsman investigates complaints about closed municipal meetings in Ontario under the *Municipal Act, 2001*. Anyone can make a complaint. Here are the steps we follow to triage and investigate complaints in municipalities where the Ombudsman is the closed meeting investigator.

REVIEW

Upon receipt of a complaint, OMLET staff contact the Clerk of the relevant municipality to explain our process, obtain documents relating to the meeting(s) in question (e.g., notice of meeting, agenda, minutes) and gather information relevant to the complaint.

NOTICE

If an investigation appears warranted, OMLET staff notify the municipality.

INVESTIGATION

OMLET staff gather relevant evidence, including interviewing witnesses (by phone, Skype or in person) and reviewing more documents as warranted.

REPORT

Based on the evidence, the Ombudsman makes findings (including whether an illegal meeting occurred and/or procedures were violated), and makes recommendations, including best practices.

RESPONSE

The Ombudsman's preliminary findings are shared with municipal officials and they are given a chance to respond.

PUBLIC

The Ombudsman's report is finalized and sent to the municipality, which is expected to make the report public as soon as possible. The Ombudsman then makes the report public on his Office's website (www.ombudsman.on.ca), and might comment publicly on the case. Complainants are also informed of the outcome.

Two-thirds of complaints are resolved in less than a month.

Year in Review

July 21, 2014: Ombudsman André Marin speaks to Brighton municipal council about oversight of closed municipal meetings and Bill 8.

Ontario Ombudsman @Ont_Ombudsman · Jul 21
So nice to see community engagement in **Brighton**. Packed community centre.

4 2

6:33 PM - 21 Jul 2014 · Details

Themes in Cases

As of August 31, 2014, the Ombudsman is the closed meeting investigator for 196 of Ontario's 444 municipalities, up from 191 in the previous year.

This report covers the period from September 1, 2013 to August 31, 2014. During this time, the Open Meeting Law Enforcement Team (OMLET) received 149 complaints and inquiries about municipal meetings. Of those, 89 were about municipalities where the Ombudsman is the investigator; the rest were from municipalities that had appointed someone else, and were referred accordingly. At times, staff from our Office's Special Ombudsman Response Team, which handles major systemic investigations, assisted OMLET with field investigations.

The cases we reviewed related to 42 different municipalities and local boards. More than two-thirds of (68%), were resolved in less than a month.

The chart on page **42** lists the outcomes of these cases, including where we found **illegal meetings** and/or **procedural violations**, and/or recommended **best practices**. Of the **49** meetings reviewed, the Ombudsman found **11** were illegal. He and OMLET staff also found **13** procedural violations and made **31** best practice recommendations.

We define these terms as follows:

Illegal meeting:

A closed formal or informal gathering of a municipal council, committee or local board, where:

- members come together for the purpose of exercising the power or authority of the council, committee or local board, OR
- for the purpose of doing the groundwork necessary to exercise that power or authority; AND
- the subject matter being discussed is not permitted under an exception listed under section 239(2), 239(3) or 239(3.1) of the *Municipal Act*.

Procedural violation:

When a council, committee or local board violates any of the procedural requirements for closing a meeting, as defined under various provisions of the *Municipal Act*, including:

- procedural by-law is improper or lacking;
- improper exception cited to close the meeting;
- no resolution made to close the meeting, or resolution fails to include the general nature of the topic to be considered;
- improper voting in closed session on a matter of substance;
- advance notice to the public is not given or is insufficient;
- records are not kept, or are improper;
- the applicable procedural by-law is not followed;
- the open meeting requirements generally are not followed.

Best practice:

A measure that the Ombudsman recommends to municipalities to improve overall transparency and accountability in their meeting practices, even if they have not violated the *Municipal Act* per se. Typically, the Ombudsman recommends that they:

- improve the information they give in public meeting notices, agenda contents or resolutions, to provide more details about the items discussed in closed sessions;
- avoid last-minute additions to the agenda;
- keep better records, including by making and properly storing audio and video recordings of closed sessions;
- report back in open session.

The full reports and/or closing letters from all of these cases are available on our website, www.ombudsman.on.ca (see the **Communications and Outreach** section of this report for more information). Selected cases from this past year are also highlighted in the "**Case Summaries**" section of this report.

We also analyze cases for recurring trends and errors, in order to target our efforts to educate municipalities and the public about the Sunshine Law requirements and best practices. Most violations and errors by municipal officials involve a misunderstanding or misinterpretation of the exceptions set out in the *Municipal Act* that can be cited in order to close a meeting legally. What follows is our summary of the most common problems arising from this year's crop of cases.

December 11, 2013: In releasing his 2012-2013 OMLET Annual Report, Ontario Ombudsman André Marin called on municipalities to embrace best practices, such as making audio or video recordings of closed meetings.

EXCEPTIONS TO THE RULE

The *Municipal Act, 2001* requires all meetings of councils, committees and local boards to hold open meetings. There are nine narrow, limited exceptions to this, listed in sections 239(2), 239(3) and 239(3.1).

Municipal officials **may** consider the following subjects behind closed doors (although closing the meeting is not mandatory):

1. The security of the property of the municipality or local board;
2. Personal matters about an identifiable individual, including municipal or local board employees;
3. A proposed or pending acquisition or disposition of land by the municipality or local board;
4. Labour relations or employee negotiations;
5. Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
6. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
7. A matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act; and
8. Education and training of the members of the council, local board or committee (as long as no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making).

And they **must** consider the following topic in a closed meeting:

9. A request under the *Municipal Freedom of Information and Protection of Privacy Act.*

As the Ombudsman frequently points out, the first eight exceptions should be interpreted narrowly: When in doubt, a meeting should be open, not closed. The most common error municipal officials make is in misapplying these exceptions, usually by citing the wrong ones or interpreting them too broadly.

"Personal Matters About an Identifiable Individual"

Based on the complaints we have investigated, the "personal matters about an identifiable individual" exception continues to be the most misunderstood and misapplied exception to the open meeting law.

This past year, the **Township of Russell** and the **City of Owen Sound** both misused this exception to cloak discussions in which individuals were referred to in their professional – not "personal" – capacity. The **Town of Midland** also wrongly considered reimbursement of legal expenses for a municipal official behind closed doors under this exception. But the most remarkable misuse of the exception occurred when the **Township of Billings** cited it to justify flipping a coin behind closed doors to decide who would fill a vacancy on council.

In contrast, we did find some municipalities that got it right when using this exception. The **City of Timmins** cited it correctly to discuss an investigation of a resident's by-law infraction. The **Town of Amherstberg** also properly applied this exception and the one relating to "labour relations and employee negotiations" to meet behind closed doors to discuss reorganization plans that affected individual staff members.

"Litigation" and "Solicitor-Client Privilege"

Our past two OMLET annual reports have noted that the "litigation or potential litigation" and "solicitor-client privilege" exceptions were frequently and increasingly applied in error to close meetings that should be open to the public. The first is meant to apply when municipalities are actually involved in or threatened with litigation, including administrative proceedings before tribunals such as the Ontario Municipal Board. The second permits municipalities to request and obtain legal advice in confidence.

This year, the trend reversed – in fact, we saw marked improvement in the use of the "litigation" exception. Although there were still complaints about how councils used it, in most of those cases we found they did so correctly. For example, council for the **Township of Larder Lake** properly closed a meeting to consider legal correspondence about a building permit infraction in closed session, and the **Township of Ashfield-Colborne-Wawanosh** and **City of Timmins** councils were both justified in citing the exception to allow closed-door discussion of whether to pursue legal claims for financial relief.

However, councils for the **Township of Ryerson** and the **Town of Orangeville** defeated the purpose of the exception entirely when they barred the public from meetings by invoking the "litigation" exception, but invited the opposing parties in the litigation to participate in the closed sessions.

We also found fewer cases in which the "solicitor-client privilege" exception was misused. In one, the **Town of Ajax**'s General Government Committee cited it improperly to hold a closed session on a report on disposition of municipal land – even though it involved no legal advice and or privileged information. Similarly, the **Township of Ryerson** wrongly relied on this exception when discussing a solicitor's letter that contained comments directed at a third party, not advice to the municipality.

Both the **Town of Fort Erie** and the **Municipality of Bluewater** used the "litigation" and "solicitor-client privilege" exceptions appropriately to obtain legal advice; the former to deal with a land sale and appeal before a tribunal, and the latter for a proposed by-law to resolve pending litigation.

No Exception

While several municipalities demonstrated better understanding of the *Municipal Act* exceptions this past year, a few disregarded them entirely – closing meetings without any justification. This often occurred when meetings took place with other organizations, outside of regularly scheduled council gatherings. For example, a meeting of a quorum of members of the **City of Elliot Lake** council at the economic development office of the Serpent River First Nation violated the Act. So did a private meeting by members of the **Township of Adelaide Metcalfe** council with a wind energy company. We also found that the **Municipality of Killarney**'s Ad Hoc Committee met illegally multiple times over the course of three months in 2013.

Council, local board, and committee members are responsible individually and collectively for observing the Sunshine Law requirements. Although they are of course free to socialize together, they should always be alert to the potential for breaching the *Municipal Act* whenever they gather to discuss city business, whether or not they are in council chambers.

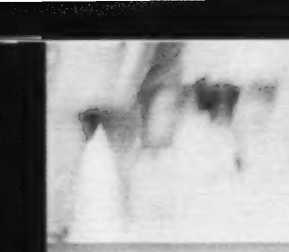
October 18, 2014: Ombudsman André Marin speaks to Hamilton journalist Joey Coleman about the importance of accountability and transparency in municipal government.

CORPORATE CONUNDRUM

One thorny issue we tackled this year was whether certain municipal corporations are "local boards" subject to the open meeting rules. Although there is a regulation under the *Municipal Act* providing that municipal services corporations are not local boards (O.Reg 599/06), it does not actually apply to all municipal corporations. For instance, we found that the corporation known as the **Niagara Central Airport Commission** had been holding closed meetings illegally – under the mistaken belief that it was exempt from the Sunshine Law. But we found that closed meetings by another corporation, the board of the **White Mountain Academy** in the **City of Elliot Lake**, were fine, because it wasn't a "local board."

The determination of whether any given corporation is subject to the Sunshine Law is technical and depends on its date of incorporation and factors applied by the courts in defining "local boards," as follows:

- **Corporations established after January 23, 2007**, when the latest regulations governing municipal services corporations came into effect, may be excluded from the definition of local board and excused from holding open meetings – depending on their purpose and whether they were established in accordance with regulatory requirements (O.Reg 599/06).



- **Corporations created between May 2003 and January 2007** may be exempt based on earlier regulatory requirements (O.Reg. 168/03).
- **Older corporations, established before regulatory exclusion existed**, are considered local boards subject to the Sunshine Law if they display the following "four factors":
  1. They are carrying on the "affairs of the municipality"; and there is:
  2. A direct link with the municipality (either by way of legislation or authority from the municipality);
  3. A connection to or control by the municipality; and
  4. An element of autonomy.
- **Corporations created after May 1, 2003** that do not qualify for exemption under regulatory requirements are also required to obey the Sunshine Law if they meet the four-factor test.

Ministry of Municipal Affairs and Housing officials confirmed to us that the regulatory provisions were not enacted with the open meeting requirements in mind. Under the circumstances, it is understandable that some municipal corporations have been caught unwittingly violating the *Municipal Act*. Regulatory amendment in this area would ease confusion and ensure the Sunshine Law is applied consistently to these entities.

BY-LAW CLEANUP

The *Municipal Act, 2001* requires all municipalities and local boards to enact a procedure by-law governing the calling, place and proceedings of meetings (section 238(2)). The by-law must provide for public notice of meetings (section 238(2.1)). When a municipality fails to comply with these requirements, the Ombudsman reports this as a procedural violation. He may also recommend that a by-law be revised to reflect best practices.

For example, it was recommended that the **Town of Larder Lake** update its procedure by-law to reflect that council committees must observe the open meeting requirements and to provide for public notice of special meetings. Our Office also counselled the **Municipality of Bluewater**, **Town of Carleton Place**, **City of Owen Sound** and the **Township of Brudenell, Lyndoch & Raglan** to amend their by-laws to add reference to public notice of special meetings. We also advised the **Township of Billings** to change its by-law to reflect that most of the exceptions to the open meeting requirements are discretionary, not mandatory.

FOR THE BEST

In order to promote the Sunshine Law and encourage consistent observation of its principles across the province, the Ombudsman and OMLET often recommend best practices to municipalities, whether or not they are found to have violated the *Municipal Act*. Again this year, our most common recommendations included making digital records of meetings and providing the public with as much information about closed sessions as possible, whenever possible.

Not So Urgent

The Ombudsman has always recommended that municipalities provide the public with advance notice of all items to be considered in closed session. Occasionally urgent matters arise that make it impossible or impractical to give public notice of a meeting. However, we found several municipalities overused the "emergency" excuse.

For example, the Ombudsman found that the **Township of Adelaide Metcalfe** should have provided public notice before going into closed session to address staff concerns about a councillor's conduct. Adopting an interpretation used by the courts, we proposed defining "emergency" as "a serious, unexpected and potentially dangerous situation requiring immediate action." However, we found the **Town of Amherstburg** was justified in calling an urgent closed meeting on short notice to discuss its reorganization plans, after rumours of terminations began circulating amongst municipal staff.

On the Record

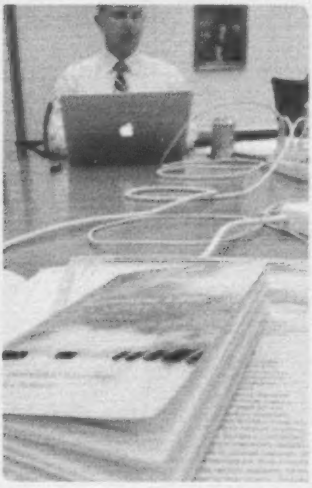
Clear and accurate recording of closed meetings helps ensure that closed meetings deal only with the narrow topics covered by the *Municipal Act* exceptions. However, the quality of records kept by municipal councils continues to vary widely from municipality to municipality. The Ombudsman has called on municipalities to make audio or video recordings of all meetings, open and closed. This past year, we recommended this as a best practice to the **Towns of Larder Lake** and **Fort Erie**, the **Municipality of Markstay-Warren**, the **Township of Russell** and, for the second time, to the **Town of Mattawa** and **City of London**.

Meanwhile, the ranks of municipalities that have already adopted this practice continue to grow. In the past year, the **Municipality of Brighton**, the **Towns of Midland** and **Welland** and the **Townships of Adelaide Metcalfe, Brudenell, Lyndoch & Raglan and McMurrich-Monteith** all began doing so.

Communications and Outreach

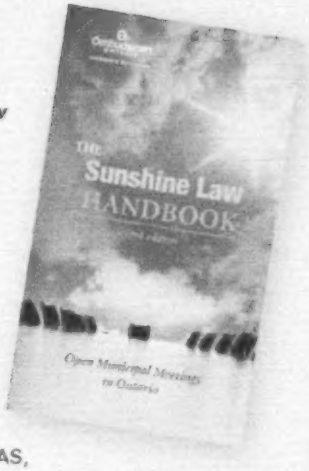
In the past year, there has been a groundswell of support for increased municipal oversight. Members of the public, journalists, municipal officials and council members have spoken out – often in the news media and social media – for greater accountability for municipalities. On Facebook and Twitter, the Ombudsman answered hundreds of thoughtful questions about his investigations, the open meeting rules, and the breadth of Bill 8 – the *Public Sector and MPP Accountability and Transparency Act*, often using the hashtag **#Bill8**.

The Ombudsman and OMLET staff also fielded questions about the Sunshine Law via social media, phone, and in person. On July 21, 2014 the Ombudsman spoke to council for the **Town of Brighton** about his closed meeting investigations and the proposed expansion of our Office's mandate. He addressed how Ombudsman investigations work, the timeline for the average OMLET investigation, and the importance of recording council meetings. Video of this presentation – and several past presentations (including to London, Sudbury, Midland, and Elliot Lake) – is available on our Office's YouTube channel (www.youtube.com/OntarioOmbudsman).



Our second OMLET Annual Report, released in December 2013, generated significant interest from the public and from local media (reaching an aggregate audience of 1.2 million people, according to Infomart). The video of the Ombudsman's press conference has been viewed close to 1,000 times. On the day of the report release, we also held a chat on ScribbleLive with members of the Ombudsman's senior team, and invited Maddie Di Muccio (then a Newmarket councillor) and Sarnia Mayor Mike Bradley to join the discussion. The chat, which had a total engagement time of almost 30,000 minutes, is archived on our website.

December 11, 2013: Ombudsman André Marin and senior staff host a live chat after the release of the second OMLET Annual Report.



Our Office also works to educate the public and municipal leaders about the Sunshine Law in all municipalities, not just the ones where we are the investigator. We will once again distribute some 10,000 copies of our pocket-sized ***Sunshine Law Handbook*** – which includes tips for council members on best practices for open meetings, based on our experience since 2008 – to every council member who was elected or re-elected in the October 2014 elections, as well as their respective municipal clerks. The handbook is also publicly available on our website, and hard copies can also be requested.

Our website has a special section for **Municipal Investigations**, including our reports. It also includes the only database in Ontario – to our knowledge – that allows citizens to determine where to complain about a closed meeting. Our **Find Your Municipality** database lists every municipality and whether its investigator is the Ombudsman, LAS, or another contractor hired by the municipality. For those that use the Ombudsman as investigator, it also includes **the results of all our recent investigations** under the municipality's name, to make them easy to find in one place.

Case Summaries

Township of Adelaide Metcalfe

The township called an emergency meeting without advance public notice on April 16, 2014 to discuss the conduct of a council member who had been critical of staff. The Ombudsman rejected the township's use of its emergency meeting provision to hold this discussion, observing that the courts have defined "emergency" as a "serious, unexpected and potentially dangerous situation requiring immediate action." He found that staff concerns about the councillor did not rise to the level of an emergency or excuse the township's failure to follow the regular rules of public notice.

Town of Ajax

Our Office reviewed a complaint that the town's May 23, 2013 general government committee meeting was improperly closed under two exceptions, since council considered the same issue publicly later that day. The Ombudsman found that the committee properly applied the "acquisition or disposition of land" exception when it discussed a staff report about selling or leasing a road allowance in closed session. He also noted that subsequent open discussion of the same issue by town council did not affect the propriety of the committee's closed session. However, he concluded that the "solicitor-client privilege" exception was inapplicable, as the staff report did not contain any communications from the solicitor or reflect legal advice.

Case Summaries

Town of Amherstburg

The town was in the midst of an organizational restructuring when rumours began circulating that there were going to be widespread staff terminations. Concerned that the news would become public, the chief administrative officer wanted to expedite the reorganization and brief council as soon as possible. The Ombudsman found that the council was justified in holding an emergency closed meeting on October 21, 2013, under the "personal matters" and "labour relations and employee negotiations" exceptions.

Township of Billings

In his report *Let's Flip For It*, the Ombudsman found that a closed session in July 2014 – in which council tossed a coin to choose a new councillor – was an illegal closed meeting under the *Municipal Act*, held to conduct a secret, illegal vote.

The Ombudsman also investigated a complaint that the Waterfront Improvement Committee was breaching the open meeting requirements. While the committee doesn't have sufficient council or local board members to constitute a committee under the *Municipal Act*, it is a committee under the township's procedure by-law. It already provides public notice of meetings and holds open meetings, and we encouraged it to formalize this process to avoid any confusion in the future.

Case Summaries

Municipality of Bluewater

The Ombudsman concluded that a portion of an August 27, 2013 special meeting to discuss a by-law to address building fees for wind turbines was properly closed under the "litigation or potential litigation" and "advice subject to solicitor-client privilege" exceptions. During the meeting, the municipality's solicitor gave advice about the proposed by-law, the resolution of a dispute with various wind turbine companies, and the steps the municipality needed to take to avoid a lawsuit. While the meeting wasn't illegal, the Ombudsman recommended that council improve its practices for informing the public about special meetings.

Township of Bonfield

Although the township was the subject of 13 complaints to our Office – while it was in the midst of a labour dispute – OMLET and the Ombudsman did not identify any problems with the council's closed meeting practices. Some of the complaints also raised concerns relating to municipal labour relations matters, which, as our staff explained to the complainants, are outside of the Ombudsman's jurisdiction.

Case Summaries

Township of Brudenell, Lyndoch & Raglan

The Ombudsman concluded that the township council was authorized under the "education and training" exception to meet in closed session on March 19, 2014, to listen to a presentation by the Office of the Fire Marshal on how the *Fire Prevention and Protection Act* affects fire service delivery. However, the Ombudsman reminded council that the exception is discretionary and does not require such sessions to be held behind closed doors. He also found that council later applied the "personal matters" exception appropriately at the same meeting when it closed the doors to discuss concerns about a former employee.

Town of Fort Erie

A council meeting on March 31, 2014 was closed under the "acquisition of land" exception, to discuss a proposal to purchase vacant industrial land. During the session, council also considered the purchase price for related vacant lands and met with representatives from a racing consortium who needed additional town funding for a racetrack. While the topic of the financial sustainability of a racetrack would not normally qualify for closed-door discussion, the Ombudsman found that in this instance it was justified, as it was closely connected to and difficult to separate from the land purchase proposal.

Case Summaries

City of London

Two councillors complained to the Ombudsman about a gathering of 12 council members in the city hall cafeteria, between meetings on June 24, 2014. Unlike in previous cases involving the same council (e.g., the 2013 backroom meeting of seven council members at a local eatery), the Ombudsman found that this gathering was not illegal. He stressed that council members are entitled to socialize and even engage in individual discussions relating to council business. The evidence gathered in our investigation – through interviews of all those present, including independent witnesses – did not support that the various conversations during dinner about a vacant council seat constituted a "meeting." However, the Ombudsman did question the motivation of the councillors in lodging the complaints during the municipal election campaign, and cautioned that the Sunshine Law "was not intended as a tool to serve the oblique purposes of those involved in municipal politics."

Case Summaries

Town of Midland

The Ombudsman found that town council misused the "personal matters" exception on July 22, 2013, when it went behind closed doors to consider the deputy mayor's request for reimbursement of legal fees. The fees were incurred in connection with a complaint to the Ontario Civilian Police Commission that the deputy mayor had improperly leaked information about the local police services board. The Ombudsman noted the situation had been discussed in the media and related to conduct in the deputy mayor's official capacity, not anything of a personal nature.

Niagara Central Airport Commission

We received a complaint that the commission was violating the open meeting rules on the grounds that it did not consider itself a "local board." The commission was initially created through municipal agreement and later continued under provincial legislation. It operates an airport for the benefit of four municipalities, which appoint its members and approve its funding. The Ombudsman found the commission was carrying on the affairs of the municipalities and was directly linked and connected to them, while maintaining a degree of autonomy. Applying principles developed by the courts, he concluded that the commission was a "local board" and thus required to hold open meetings, in compliance with the Sunshine Law.

Case Summaries

City of Owen Sound

In May 2014, we received a complaint about a closed session held by city council more than three years earlier – on March 23, 2011 – to discuss withdrawing a funding pledge to a local hospital for the purchase of an MRI machine. The Ombudsman concluded that the meeting was illegal because council wrongly applied the "personal matters" exception to shield disclosure of the name of an individual who was acting in a professional capacity. The Ombudsman also found that council improperly discussed the MRI funding and voted illegally behind closed doors.

Township of Russell

A complaint was lodged with our Office about a May 15, 2014 closed meeting where several municipal infrastructure projects were discussed under three different exceptions. The Ombudsman found that consideration of the town's financial interests, municipal growth, future planning and negotiation strategy did not fit the "security of the property" exception, as they did not relate to any loss or damage prevention measures or protection of public safety. He also said the town was wrong to use the "personal matters" exception to discuss contractors, acting in their professional capacity, behind closed doors. The only authorized closed-door discussion took place under the "acquisition or disposition of land" exception, relating to acquiring an easement interest over private property. The bulk of the closed-door discussion violated the *Municipal Act.*

Case Summaries

City of Timmins

A complainant contacted the Ombudsman concerned that city council met illegally on September 25, 2013, to discuss litigation related to a wastewater treatment plant upgrade. During the meeting, the city's engineering staff briefed council on the plant upgrade, and based on this information, council considered taking legal action against a specific party connected with the project. The Ombudsman concluded that council's contemplation of litigation came within the "litigation or potential litigation" exception and the meeting was closed properly.

Your Feedback

"Ontario's Ombudsman is getting more oversight to probe complaints about schools and municipalities, and I say Hallelujah. Andre Marin has been a breath of fresh air for nearly a decade now, bravely stirring the thick fog of secretive government ministries, intransigent agencies and opaque Crown corporations. With the passage of Bill 8, the Accountability Act, Marin will have expanded reach into the so-called MUSH sector – municipalities, universities, school boards and hospitals. Marin's office will still have no power to sanction the mismanagement or ineptitude it exposes. But there is little doubt he will continue to force real change using the only weapons at hand, a flare for colourful language and headline-grabbing bluster."

George Matheson, Sarnia Journal, July 22, 2014

"For everyone concerned about the veracity of local governments, we're lucky to have Ontario Ombudsman André Marin. He represents the winds of change blowing down the political house of cards built by municipal governments. Marin recently issued a report on secrecy in municipal politics and he's prying the lid off the secretive can of worms created by less-than-open, elected officials -and their shadow government of civil servants, consultants and lawyers."

David Hughes, Northumberland Today, January 9, 2014

"For close to a decade, Marin has been that infamous thorn in the side of several Ontario municipal governments caught up in backroom antics. ... Much to the relief of many municipal governments, Marin's purview has been limited to investigating closed-door meetings if municipalities don't have their own investigators. But all of that could change with beefed up provincial accountability legislation.... Instead of fearing Ombudsman investigations, Ontario's 444 municipal governments should welcome the opportunity to be more transparent and accountable to their ratepayers in an age where public skepticism is running rampant when it comes to elected officials."

Barbara Simpson, Sudbury Star, July 30, 2014

"If the mayors and AMO believe they are following the rules, then they have nothing to fear from the passage of Bill 8. What's wrong with increased oversight, accountability and enhanced transparency? ... From my perspective, having an office that may soon be overseeing municipalities, school boards and universities that represents a total of roughly $50 billion of citizens' money is worth increasing funding as an investment."

Colin MacKay, Belleville Intelligencer, November 12, 2014

"There is something promising that may come out of Marin's report, an explanation that he has been having conversations with the Premier about certain changes he would like to see made to the *Municipal Act*. One of his suggestions is that lawbreakers are actually penalized and in my opinion, that's a great start."

Kris Dube, Bullet News Niagara, December 18, 2013

"Did you know the public can request an investigation of any city council meeting to make sure it has complied with rules of procedure? But City of Windsor administration would rather pay a private firm to conduct such investigations instead of putting them in the hands of the Ontario Ombudsman for free."

Dalson Chen, Windsor Star, December 14, 2013

Your Feedback

"As the Ombudsman suggests, the practice [of meeting in secret] is rampant in Ontario municipalities, however with a lack of penalties to be imposed, the closed-session laws in Ontario have no teeth. In my view, Ontario's government needs to do two things. They need to establish penalties for councils that opt to violate the law and keep their residents in the dark, and they need to make it easier for residents concerned about council transparency to file a complaint. [F]or this issue, the province should have a single body for ratepayers to turn to, as currently only 191 of the 444 municipalities are monitored by Ontario's Ombudsman. Council secrecy is a provincial issue, and one that should be addressed immediately."

Stephen Vance, Meaford Independent, December 13, 2013

"#OpenMtgs – proving you can't make an OMLET without breaking a few bad eggs. Keep up the great work!"

@WattsTrending via Twitter

"Kudos to you, Mr. Marin. We desperately need you and Bill 8."

Catherine Hammond via Facebook

"The Ombudsman should be the meeting investigator for all municipalities, with no alternatives. This ensures a fair and even investigation process and application of the rules."

Paul Synott via ScribbleLive

"Mr. Marin – sir, a big thank you to you personally. Being the watchdog for those who don't have a voice. You shed light in dark corners and the public appreciates."

Maddie Di Muccio (former Newmarket councillor) via ScribbleLive

"The public should have every right to engage the OO and council should not have any right to 'fire' the OO. More teeth needed."

@AndyTeslab via Twitter

"Accountability & transparency are essential to good government. Bill 8 would help deliver that."

@LianeWard4 via Twitter

"Some municipalities may be rethinking their ways now that @Ont_Ombudsman is on the job. Those without implemented codes of ethics, beware."

@TicknerSafety via Twitter

Appendix

COMPLAINT STATISTICS

MUNICIPALITIES WHERE THE OMBUDSMAN IS THE INVESTIGATOR FOR CLOSED MEETING COMPLAINTS, SEPTEMBER 1, 2013-AUGUST 31, 2014

1.	Adelaide-Metcalfe, Township of
2.	Ajax, Township of
3.	Alberton, Township of
4.	Alfred and Plantagenet, Township of
5.	Amherstburg, Town of
6.	Armour, Township of
7.	Armstrong, Township of
8.	Arnprior, Town of
9.	Arran-Elderslie, Municipality of
10.	Ashfield-Colborne-Wawanosh, Township of
11.	Assiginack, Township of
12.	Augusta, Township of
13.	Baldwin, Township of
14.	Billings, Township of
15.	Black River-Matheson, Township of
16.	Blind River, Town of
17.	Bluewater, Municipality of
18.	Bonfield, Township of
19.	Bracebridge, Town of
20.	Brethour, Township of
21.	Brockton, Municipality of
22.	Brockville, City of
23.	Bruce Mines, Town of
24.	Brudenell, Lyndoch and Raglan, Township of
25.	Burk's Falls, Village of
26.	Calvin, Township of
27.	Carleton Place, Town of
28.	Casey, Township of
29.	Casselman, Village of
30.	Central Frontenac, Township of
31.	Central Huron, Municipality of
32.	Central Manitoulin, Township of
33.	Chamberlain, Township of
34.	Champlain, Township of
35.	Chapple, Township of
36.	Charlton and Dack, Municipality of
37.	Chatsworth, Township of
38.	Chisholm, Township of
39.	Clarence-Rockland, City of
40.	Cobalt, Town of
41.	Cochrane, Town of
42.	Cockburn Island, Township of
43.	Coleman, Township of
44.	Dawn-Euphemia, Township of
45.	Dawson, Township of
46.	Dorion, Township of
47.	Dubreuilville, Township of
48.	Dutferin, County of
49.	East Hawkesbury, Township of
50.	Edwardsburgh/Cardinal, Township of
51.	Elliot Lake, City of
52.	Englehart, Town of
53.	Enniskillen, Township of
54.	Essex, Town of
55.	Evanturel, Township of
56.	Fauquier-Strickland, Township of
57.	Fort Erie, Town of
58.	Front of Yonge, Township of
59.	Gauthier, Township of
60.	Georgian Bay, Township of
61.	Gillies, Township of
62.	Gordon/Barrie Island, Township of
63.	Gore Bay, Town of
64.	Gravenhurst, Town of
65.	Grey Highlands, Municipality of
66.	Grimsby, Town of
67.	Halton Hills, Town of
68.	Hamilton, City of
69.	Harley, Township of
70.	Harris, Township of
71.	Hawkesbury, Town of
72.	Head, Clara and Maria, Township of
73.	Hearst, Town of
74.	Hilliard, Township of
75.	Hilton Beach, Village of
76.	Hilton, Township of
77.	Hornepayne, Township of
78.	Howick, Township of
79.	Hudson, Township of
80.	Huron, County of
81.	Huron East, Municipality of
82.	James, Township of
83.	Jocelyn, Township of
84.	Johnson, Township of
85.	Joly, Township of
86.	Kawartha Lakes, City of
87.	Kerns, Township of
88.	Killarney, Municipality of
89.	Kitchener, City of
90.	La Vallee, Township of
91.	Laird, Township of
92.	Lake of Bays, Township of
93.	Lake of the Woods, Township of
94.	Lakeshore, Town of
95.	Lambton Shores, Municipality of
96.	Lambton, County of
97.	Larder Lake, Township of
98.	LaSalle, Town of
99.	Latchford, Town of
100.	Laurentian Hills, Town of

Appendix

COMPLAINT STATISTICS

MUNICIPALITIES WHERE THE OMBUDSMAN IS THE INVESTIGATOR FOR CLOSED MEETING COMPLAINTS, SEPTEMBER 1, 2013-AUGUST 31, 2014

101.	Leamington, Municipality of
102.	London, City of
103.	Macdonald, Meredith and Aberdeen Additional, Township of
104.	Machar, Township of
105.	Madawaska Valley, Township of
106.	Magnetawan, Municipality of
107.	Marathon, Town of
108.	Markstay-Warren, Municipality of
109.	Matachewan, Township of
110.	Mattawa, Town of
111.	Mattawan, Township of
112.	Mattice-Val Côté, Township of
113.	McDougall, Township of
114.	McGarry, Township of
115.	McKellar, Township of
116.	McMurrich/Monteith, Township of
117.	Melancthon, Township of
118.	Midland, Town of
119.	Minden Hills, Township of
120.	Montague, Township of
121.	Moonbeam, Township of
122.	Moosonee, Town of
123.	Morley, Township of
124.	Morris-Turnberry, Municipality of
125.	Mulmur, Township of
126.	Muskoka, District Municipality of
127.	Nairn and Hyman, Township of
128.	Neebing, Municipality of
129.	Newbury, Village of
130.	Niagara Falls, City of
131.	Niagara, Regional Municipality of
132.	Nipigon, Township of
133.	Nipissing, Township of
134.	North Dumfries, Township of
135.	North Frontenac, Township of
136.	Northeastern Manitoulin and The Islands, Town of
137.	Northern Bruce Peninsula, Municipality of
138.	Oil Springs, Village of
139.	Opasatika, Township of
140.	Orangeville Town of
141.	Oshawa, City of
142.	Owen Sound, City of
143.	Papineau-Cameron, Township of
144.	Pelee Island, Township of
145.	Pelham, Town of
146.	Pembroke, City of
147.	Penetanguishene, Town of
148.	Perry, Township of
149.	Petrolia, Town of
150.	Pickering, City of
151.	Plummer Additional, Township of
152.	Plympton-Wyoming, Town of
153.	Port Colborne, City of
154.	Powassan, Municipality of
155.	Prescott and Russell, United Counties of
156.	Prescott, Town of
157.	Prince, Township of
158.	Rainy River, Town of
159.	Renfrew, Town of
160.	Russell, Township of
161.	Ryerson, Township of
162.	Sables-Spanish Rivers, Township of
163.	Sarnia, City of
164.	Saugeen Shores, Town of
165.	Sault Ste. Marie, City of
166.	Schreiber, Township of
167.	Seguin, Township of
168.	Sioux Narrows-Nestor Falls, Township of
169.	Smooth Rock Falls, Town of
170.	South Algonquin, Township of
171.	South Bruce Peninsula, Town of
172.	South Huron, Municipality of
173.	South River, Village of
174.	Spanish, Town of
175.	St. Catharines, City of
176.	St. Joseph, Township of
177.	St.-Charles, Municipality of
178.	Tarbutt and Tarbutt Additional, Township of
179.	Tehkummah, Township of
180.	Temagami, Municipality of
181.	Temiskaming Shores, City of
182.	The Nation, Municipality of
183.	The North Shore, Township of
184.	Thessalon, Town of
185.	Thornloe, Village of
186.	Thorold, City of
187.	Timmins, City of
188.	Val Rita-Harty, Township of
189.	Welland, City of
190.	West Lincoln, Township of
191.	West Nipissing, Municipality of
192.	Westport, Village of
193.	White River, Township of
194.	Whitestone, Municipality of
195.	Whitewater Region, Township of
196.	Woolwich, Township of

Appendix

COMPLAINT STATISTICS

CASES OPENED, ILLEGAL MEETINGS, PROCEDURAL VIOLATIONS AND BEST PRACTICES RECOMMENDED, BY MUNICIPALITY OR LOCAL BOARD, SEPTEMBER 1, 2013-AUGUST 31, 2014

MUNICIPALITY/LOCAL BOARD	CASES OPENED*	VIOLATIONS FOUND	BEST PRACTICES SUGGESTED	MEETINGS REVIEWED	ILLEGAL MEETINGS
Adelaide-Metcalfe, Township of	1	1		2	1
Ajax, Township of	1	1		1	
Amherstburg, Town of	2	1	1	6	
Ashfield-Colborne-Wawanosh, Township of	2				
Augusta, Township of	1		5	2	
Billings, Township of	1**				
Bluewater, Municipality of	2		1	1	
Bonfield, Township of	13		1	3	
Brockton, Municipality of	1				
Brudenell, Lyndoch and Raglan, Township of	1	1	1	1	
Carleton Place, Town of	1	1		1	
Chatsworth, Township of	1				
Clarence-Rockland, City of	1				
Cochrane, Town of	2**				
Elliot Lake, City of	8	2	4	4	3
Fort Erie, Town of	4		1	3	
Hamilton, City of	3**				
Hawkesbury, Town of	1**				
Huron East, Municipality of	1				
Joly, Township of	1**				
Killarney, Municipality of	4	1	1	4	
Lambton Shores, Municipality of	1				
London, City of	9		1	4	1
Markstay-Warren, Municipality of	2		4	2	
Mattawa, Town of	1	1	1	1	
Midland, Town of	2			2	1
Moosonee, Town of	1**				
Nairn and Hyman, Township of	1				
Niagara Central Airport Commission	0			1	1
Niagara District Airport Commission	1				
Niagara Falls, City of	1				
North Dumfries, Township of	0			1	
Orangeville,Town of	1			1	1
Oshawa, City of	3				
Owen Sound, City of	3	2	5	1	1
Prescott, Town of	2			0	
Russell, Township of	1	1	1	1	
Ryerson, Township of	0			2	2
Timmins, City of	3	1	4	4	
Welland, City of	3				
West Nipissing, Municipality of	1			1	
Whitestone, Municipality of	1**				
TOTAL	89	13	31	49	11

** A "0" appears in this column where cases were opened between September 1, 2012 and August 31, 2013 and closed between September 1, 2013 and August 31, 2014.*

*** Indicates cases opened before August 31, 2014 that remained under review as of that date.*

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